

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**ESTATE OF JOYCE ROSAMOND
PETERSEN,**

Plaintiff,

v.

**ROBERT W. BOLAND, JR., JOHN
L. HENRY, UNITED FINANCIAL
SERVICES, and WILLIAM E.
BITTERS D/B/A UNITED
FINANCIAL INFORMATION
SERVICES,**

Defendants.

8:16CV183

ORDER

This matter comes before the court after a review of the court file and pursuant to NECivR [41.2](#), which states in pertinent part: “At any time, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

The complaint in this case was initially filed on December 1, 2014, in the United States District Court for the Eastern District of Texas. ([Filing No. 1](#)). On March 18, 2015, the plaintiff filed notice of serving the defendant John L. Henry (“Henry”). ([Filing No. 44](#)). On August 25, 2015, the plaintiff filed a motion for extension of time to file a motion to transfer, and noted in the motion the plaintiff would file a motion for default judgment against defendant Henry that week. ([Filing No. 45](#)). Magistrate Judge Don D. Bush denied consideration of a motion for default judgment against Henry because the complaint did not conclusively establish that the United States District Court for the Eastern District of Texas could exercise personal jurisdiction over Henry. ([Filing No. 46](#)). The case was transferred to this district on April 25, 2016. (Filing No. 59). The defendant Henry has still not made an appearance in this case. It remains the plaintiff’s duty to go forward in prosecuting the case. The plaintiff may, for example, seek entry of default pursuant or voluntarily dismiss the action, as appropriate. Under the circumstances, the plaintiff must make a showing of good cause for failure to prosecute or the action must be dismissed as to

the defendant Henry. Accordingly,

IT IS ORDERED: The plaintiff has until **July 5, 2016**, to show cause why this case should not be dismissed as against the defendant John L. Henry for failure to prosecute or take some other appropriate action.

DATED: June 21, 2016.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge